

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

PRESERVATION TECHNOLOGIES LLC,	)	
	)	
Plaintiff,	)	C. A. No. 6:22-cv-00025-ADA
	)	
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
WGCZ LIMITED, S.R.O. AND	)	
WGCZ HOLDING, A.S.,	)	
	)	
Defendants.	)	

**DECLARATION OF ROBERT SEIFERT IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS**

I, Robert Seifert, declare and state as follows:

1. I act as administrative director for WGCZ Holding, a.s. and WGCZ Limited, s.r.o. I make this declaration of the following facts from my direct, personal knowledge, except to the extent that facts are stated upon information and belief, and would competently testify thereto if called as a witness.

2. WGCZ Holding, a.s. (“WGCZ Holding”) is a Czech Republic corporation and WGCZ Limited, s.r.o. (“WGCZ Limited”) is a Czech Republic limited liability company, each organized and existing under Czech Republic law with their principal places of business in Prague, Czech Republic, European Union. WGCZ Holding and WGCZ Limited’s officers, directors, and employees reside in the Czech Republic.

3. Neither WGCZ Holding nor WGCZ Limited have offices in Texas or the United States. Neither is registered to do business in Texas or any other U.S. state. Neither has U.S.-based operations, U.S. employees, own U.S. property, rent U.S. property, nor pay U.S. state or federal taxes. Neither has or has had any U.S. servers.

4. At all relevant times, WGCZ Holding and WGCZ Limited have held no U.S. bank accounts, have no U.S. mailing addresses or phone numbers, and do not have any designated agents residing in, domiciled in, or doing business from Texas or the United States. They do not provide any services in Texas or the United States. None of their officers or directors reside in or are domiciled in Texas or the United States.

5. Neither WGCZ Holding nor WGCZ Limited has ever filed a lawsuit in Texas or anywhere else in the United States, nor have they sought the protection of any Texas laws.

6. WGCZ Holding is a holding company and is the owner of WGCZ Limited, another holding company, among other entities.

7. WGCZ Holding and WGCZ Limited operate as distinct entities with unique business purposes and functions. They maintain separate corporate minutes and records and otherwise observe corporate formalities by, for example, maintaining separate bank accounts and not commingling assets. WGCZ Holding does not direct WGCZ Limited; WGCZ Limited operates as a separate entity. The same is true between those entities and their subsidiaries.

8. WGCZ Holding and WGCZ Limited have not operated, monitored, or provided technological support to any websites, including those cited in the Complaint.

**XVideos**

9. WebGroup Czech Republic, a.s. (“WebGroup”) is a wholly Czech company and the operator of www.xvideos.com (“XVideos”). WebGroup is a separate company from WGCZ Holding and WGCZ Limited and was not named as a defendant in this suit. Neither WGCZ Limited nor WGCZ Holding owns or provides technical support to XVideos, nor does either entity maintain or operate the site.

10. XVideos is a video hosting platform that allows registered users to upload adult videos. WebGroup does not perform acts related to XVideos in Texas or the United States.

11. WebGroup does not aim XVideos at any particular country. Rather, XVideos is available to the entire world of internet users, setting aside age or country censorship filters, and is available in approximately 250 countries. The majority of XVideos’ market is not concentrated in the United States. The percentage of total visitors to XVideos with United States IP addresses varies over time and recently averages about 8.5 percent (with the rest of the visitors coming from other countries around the world). Texas users account for approximately 6% of total US users, and less than 1% of all XVideos visitors.

12. The servers for XVideos are located in Amsterdam, Netherlands, which are maintained and operated by a third party, ServerStack, Inc. WebGroup does not have, and never has had, its personnel supporting the site in Texas or anywhere in the United States. WebGroup also does not maintain servers or offices supporting the XVideos site in Texas or anywhere in the United States.

13. Because the XVideos site has a global user base, WebGroup contracts with Content Distribution Network (“CDN”) companies, including CDN companies in the U.S., so that users viewing videos have uninterrupted experience.

14. Webgroup does not have any ownership interest, control over, or corporate relationship with any CDN providers; WebGroup is merely their customer. WebGroup also does not have access to or control over the CDN facilities owned by its CDN providers, including

those located in the U.S. Rather, the CDN providers have access to the servers that host xvideos.com, which are located in Amsterdam, and the CDN providers use automated processes to “pull” certain content from those servers in Amsterdam onto the CDN providers’ regional facilities based upon local user clicks and videos. Moreover, to my knowledge, none of the CDN providers have their principal places of business in Texas.

### **XNXX**

15. NKL Associates, s.r.o., a Czech company, is the owner and operator of xnxx.com (“XNXX”) and has been since 2014, as confirmed by the website’s Terms of Service. NKL Associates, s.r.o. is a separate company from WGCZ Limited and WGCZ Holding and was not named as a defendant in this suit. Neither WGCZ Limited nor WGCZ Holding owns or provides technical support to XNXX, nor does either entity maintain or operate the site.

### **Bangbros**

16. Sonesta Technologies, s.r.o. operates the bangbros.com site, and Sonesta Limited, s.r.o. and Sonesta Media, s.r.o. hold the intellectual property for the website. Those entities, in turn, are held by United Communication Hldg. II, a.s., which is owned by Stephane Pacaud and myself, who are both Czech residents and owners of WebGroup. Neither United Communication Hldg. II, a.s. nor the Sonesta Entities have corporate overlap with WGCZ Holding or WGCZ Limited. Neither WGCZ Holding nor WGCZ Limited operates any physical personnel, servers, or offices supporting the bangbros.com website, whether in the United States or elsewhere.

### **Penthouse**

17. In June 2018, Penthouse World Media LLC; Penthouse World Broadcasting LLC; Penthouse World Digital LLC; Penthouse World Licensing LLC; and Penthouse World Publishing LLC (the “Penthouse Entities”) acquired substantially all of the assets of Penthouse Global Media, Inc. None of these entities are defendants in this lawsuit.

18. The penthouse.com website is owned and operated by Penthouse World Digital, LLC. Penthouse World Digital, LLC is a California-based, Delaware limited liability company of which WGCZ Limited owns 99%; a separate individual owns 1%. Penthouse World Digital,

LLC is a distinct corporate entity from WGCZ Limited and WGCZ Holding and observes corporate formalities, keeps separate corporate minutes, and keeps separate corporate records from WGCZ Limited. Likewise, the other Penthouse Entities maintain separate corporate minutes, separate records and otherwise observe corporate formalities by, for example, maintaining separate bank accounts and not commingling assets. WGCZ Limited does not operate or own the penthouse.com website.

**Litigating in the United States**

19. The individuals who might have knowledge or information related to the Complaint are located outside of the United States, and the vast majority do not speak English or do not speak it as a first language. Given the entities' locations in the Czech Republic, it would be unduly burdensome for WGCZ Holding or WGCZ Limited to defend against a lawsuit in Texas. Furthermore, as noted, neither WGCZ Holding nor WGCZ Limited have ever maintained their principal place of business in Texas or ever been incorporated in or otherwise organized under the law of the State of Texas.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed on July 11, 2022, in Prague, Czech Republic.

DATED: July 11, 2022

By: /s/ Robert Seifert  
Robert Seifert